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FROM AMCONSUL STRASBOURG

STATE FOR EUR/ERA, EUR/WE

STATE ALSO FOR EUR/ERA - A. Carnie and L - A/S Bellinger

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SUBJECT: COUNCIL OF EUROPE: PARLIAMENTARY ASSEMBLY  
STRUGGLES WITH EU COOPERATION, SPLITS ON HAMAS INVITATION

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11. (SBU) Begin Summary: A somewhat subdued Parliamentary Assembly of the Council of Europe (PACE), meeting in Strasbourg April 10-14, continued to wrestle with its overlap with other EU institutions. The PACE dodged a potential minefield when Palestinian Legislative Council (PLC) representatives, including Hamas, failed to attend the session, apparently unable to obtain visas. Financial concerns with the expanding CoE dominated the agenda and the new Human Rights Commissioner told delegates that he could not carry out his mandate with the minimal resources allotted. The European Court of Human Rights is taking the largest portion of the CoE budget but has yet to reduce its backlog of 4000 cases. In contrast to previous sessions, the delegates avoided negative comment on the U.S. with no reference to the death penalty and detention camps. End Summary.

COE to Avoid Duplication but Wants Lead in Human Rights

12. (SBU) The Council of Europe's Parliamentary Assembly, which met April 10-14 in Strasbourg, produced an informal memo of understanding between the CoE and EU, agreeing to consult but adding little detail. The PACE called on both organizations to avoid duplication of the work of the CoE bodies in the relevant areas of EU action and for the opening of a permanent office of the European Commission in Strasbourg. Comment. The CoE and the city of Strasbourg are struggling to hold on to the CoE seat although the budgets have long since been under scrutiny. The lucrative positions held by the CoE secretariat staff will not easily be reduced, in spite of the duplication of services and its huge bureaucracy. End comment.

13. (SBU) Luxembourg Prime Minister Jean-Claude Juncker proposed that the European Union become a member of the Council of Europe by 2010. Recommendations in his CoE - requested report, "Council of Europe-European Union: a Sole Ambition for the European Continent" include: EU member states should open the way for EU accession to the European Convention on Human Rights; EU bodies should recognize the CoE as the "Europe-wide reference source" for human rights; and member states should insure that the CoE has the resources it requires. CoE Secretary General Terry Davis supported Juncker's proposals, notably that of European Union membership in the Council of Europe. Davis distinguished the CoE mandate to protect human rights from that of the EU's obligation to respect those rights. He called for supervisory mechanisms to ensure that EU competence is exercised in full compliance with the European Convention on Human Rights. Davis also supported early accession of the European Union to the European Convention on Human Rights. Comment: Davis often complains of the "EU" club within the Council of Europe and that outgoing chair, Romania, in its quest to join the EU, often is more interested in appeasing the Club than in asserting its chairmanship of the CoE Council of Ministers. End comment.

14. (U) The Romanian Prime Minister, Calin Popescu-Tariceanu, said that joining the EU is his country's primary objective and is inseparable from that of strengthening the role of the Council. Romania has been a member of the CoE for 13 years. Russia succeeds Romania as chair on May 19, 2006.

Middle East Subcommittee Split on Inclusion of Hamas

15. (SBU) Anticipation of a possible Hamas appearance saw many of the usually empty seats filled in the Assembly's hemicycle. PACE Middle East Subcommittee rapporteur, Mikhail Margelov, (Russian Federation, European Democratic Group ((EDG)), made clear his disappointment with the absence of the Palestinian Liberation Council delegation. A CoE Assembly Member since 2002, Margelov also expressed displeasure with the European Parliament's position that Hamas members would not be granted access to its Parliament taking place in Strasbourg just prior to the PACE. Parliamentary Secretary General Sorinas and External

Relations director Yann Kleisen told Strasbourg CG that the PACE invited the PLC, not Hamas. Obviously uncomfortable with the press given the issue, Sorinas said that the Assembly insists that all groups invited be "pluralistic." The same requirement is applied to the Knesset, Israel being a formal observer at the CoE since 1956.

16. (SBU) The PACE passed a relatively tough resolution on "The Situation in the Middle East" that noted the "incompatibility" of involvement in armed or terrorist activities with participation of the Palestinian parties in the political process and that use of violence and terrorism cannot be accepted as a measure to achieve political goals. It also called for the international community, and in particular the Quartet, to contribute to conditions which would enable the resumption of contacts. The PACE declined to include an amendment drafted by the Israeli Observer that explicitly denied Hamas attendance at the CoE until it rejects terrorist activity. Prior to the start of the assembly the House International Relations Committee requested the PACE to rescind its invitation to the PLC in a letter to PACE President Rene van der Linden.

17. (SBU) Some 29 speakers commented on the resolution. The French representative (Socialist Group) said Hamas is "over-demonized" and that one should consider that the Palestinian Authority is at the edge of bankruptcy. A French Liberal Group representative said the majority of Palestinians do not subscribe to Hamas' ideology but voted against Arafat's corrupt legacy. However, he said that the PACE cannot enter into dialogue with terrorists and there should be no invitation to Hamas until it condemns violence. The Norway (European People's Party ((EPP)) representative called for Hamas to meet its international requirements; Lithuania (EDG) noted that Hitler, (like Hamas) also, was elected.

18. (SBU) Rapporteur Margello called attention to PACE resolutions passed in 2001 and 2005 requiring participation from two representatives of the Knesset and two from the Legislative Council. He said the PACE should investigate why the invitation to the PLC was blocked. Ignoring a Hamas victory will not promote a peaceful settlement, Margello said, noting that he was an observer of the January 25 election. Israeli Ambassador Arie Avidor told Strasbourg CG that Israel has few friends on the mid-East committee and wondered aloud who was behind the failure of Hamas to appear.

New Human Rights Commissioner and Court Under funded

19. (U) The incoming Human Rights Commissioner Thomas Hammarberg, said that his "barefoot budget" and staff of only 15, make it impossible to carry out his mandate. The position, created in 1997, is charged with the effective observance of human rights, identifying legislative shortcomings and promotion of awareness. The final report by outgoing commissioner Alvaro Gil-Robles, who has held the position since its creation, called attention to inadequate budgetary support and poor communication between relevant organizations such as the United Nations Human Rights Commission. Gil-Robles also charged that the poor staffing and lack of coordination with the European Court of Human Rights further weakened the office.

110. (U) The PACE elected Mark Villiger as Judge to the European Court of Human Rights in respect of Liechtenstein. The Court recently hired 46 new lawyers but it faces a four-year backlog in cases and is eating up 50 percent of the CoE budget. A UK Representative urged that resources dedicated to the EU Fundamental Rights Agency go instead to the Court. The delegate claimed that the new EU agency has a budget equal to one-third that of the entire Council of Europe.

Trafficking in Women before the FIFA World Cup

111. (SBU) Some 30,000-60,000 women will be imported to Germany to work in the sex industry during the World Cup, according to the Rapporteur of the Committee on Equal Opportunities for Women and Men, Ruth-Gaby Vermot-Mangold (Switzerland). A spirited group of representatives called for measures to reduce exploitation, including filming the clients and posting names on the internet. An Irish delegate suggested that CoE member states offer protection to women prostitutes who wanted to leave the profession. Delegates charged that World Cup organizers have set up temporary mobile brothels and expect an additional 60,000 women from Brazil and several countries in Eastern Europe. The representatives claim that although prostitution is legal in Germany, those women brought in for the World Cup are usually sex slaves, abused and see little of the profits.

Resurrection of Nazi Ideology Condemned along with Conduct  
of Belarus Election

112. (U) PACE adopted a resolution on combating the resurrection of Nazi ideology. In a sparsely attended session, the Political Affairs committee rapporteur noted the alarming number of cases involving revival of Nazi elements, number of neo-Nazi groups in Spain, Austria, Czech Republic and Germany increasing along with internet neo-Nazi websites.

113. (U) The Assembly also condemned the undemocratic conduct of the March 19 presidential election as a blatant disregard by Belarusian authorities of Council of Europe values and standards. It noted "with great disappointment" that the Russian Federation recognized the legitimacy of the elections and that it should be the priority of the upcoming Russian chair of the COE to bring Belarus closer to CoE standards and European democracies. The PACE took notice of the call of the European Parliament and US Congress for a repeat of the election but noted also the need for radical change and a revision of the electoral code to avoid the same biased results.

114. (U) Prime Minister of the Former Yugoslav Republic of Macedonia said the country is a successful model of multi-ethnic and multicultural society. Viado Buchkovski noted Macedonia, a member of the CoE since November 1995, faces a test in carrying out fair and democratic parliamentary elections (to which the CoE will send observers); and that it deserves to be considered a leader in regional cooperation.

115. (SBU) Comment: The Council of Europe faces tough going in the coming months as it continues to justify its existence and wrestle with demands on its budget. Many members and secretariat staff are less than enthusiastic about Russian Federation's presidency of the CoE Committee of Ministers. The fight amongst the CoE divisions for money is getting more vocal. The discontent with the Court of Human Rights burgeoning costs and large share of the overall budget also is growing. The bureaucracy is such that secretariat staff complain that different divisions work on the same issue, unaware of the duplication.

116. (SBU) What is noteworthy about the PACE is its more cooperative and collegial tone and the lack of negative reference to the U.S. Very much absent was any reference to alleged detention camps, renditions, Guantanamo or the death penalty. Indeed the U.S. was mentioned only briefly in comments on the failure of the Hamas representative to participate in the sub-committee on the Middle East. Secretary General Terry Davis continues to make overtures

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to U.S. representatives and seek participation from the Congress. Although he does not miss an opportunity to profit from media events that paint the U.S. in an unfavorable light, such as his April 1 press conference on alleged renditions, he regularly participates in the CG's representational events ranging from dinner with the U.S. and other COE observers to a Jazz History Month concert. Davis, as do other senior secretariat staff, clearly desire the visible presence and engagement of U.S. representatives and see that participation as another means of validating the work of the Council.

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